S.B. Civil Writ Petition No.3306/06
Madan Singh Rawal Vs. State & Ors.

Date of Order : 11/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. M.M. Mehrishi, for petitioner

Instant petition has been filed against the order dt.21st November, 2005 [Ann.8] passed by the respondents whereby promotions were made on the recommendation of DPC for the various years 1996-97 to 2002-2003 in Junior Scale of RPS.

Petitioner, who is member of SC category on recommendation made by DPC, has been promoted in Junior Scale of RPS on the basis of seniority-cum-merit against the quota of 2001-02.

Counsel for petitioner submits that determination of vacancies with regard to SC/ST vacancies has not been made by the respondents in accordance with Rule 9 of Rajasthan Police Service Rules, 1954 and those who are senior were relegated to years of 1999-2000 & 2000-2001 and that has caused prejudice to him in his fair right of consideration for earlier year of vacancy.

In my opinion, it is a service matter as defined u/s.2(f) of the Rajasthan Civil Services Appellate Tribunal Act, 1976 which provides a statutory remedy of appeal to the petitioner and no justification has been afforded in approaching this court. I do not find any justification to exercise extraordinary jurisdiction of this Court under Article 226 of the Constitution.

Consequently, this writ petition fails and is hereby dismissed. However, if the petitioner prefers appeal before the Tribunal and file application u/s.5 of the Limitation Act, the Tribunal may consider while disposing of the application with regard to its pendency in this court.

[Ajay Rastogi],J.

FRB